THE

TRIALS AT LARGE

OF

ROBERT WATT

AND

DAVID DOWNIE,

FOR

HIGH TREASON,

AT THE SESSION OF OYER AND TERMINER,

AT EDINBURGH,

Auguſt 27th, September 3d, and September 5th, 1794.

AT WHICH THEY WERE *BOTH FOUND GUILTY,*

AND SENTENCED TO BE

HANGED, DRAWN, AND QUARTERED,

On the 15th of October.

Taken in ſhort-hand by an Engliſh Barriſter.

PHILADELPHIA:

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December 4, 1794.

[PRICE A QUARTER OF A DOLLAR.]

48.

4. 7.

129.

TRIAL, &c.

AUGUST 27, 1794.

THIS day the court met, when Robert Watt was put to the bar, in order to be arraigned.

Mr. Knapp, clerk of arraigns, called upon the priſoner by his name, and deſired him to hold up his right hand, which he did. Mr. Knapp then read the bill of indictment which the grand jury had found againſt him, to the following purport:

It charges the ſaid Robert Watt, not having the fear of God in his heart, nor weighing the duty of his allegiance, but being moved and ſeduced by the inſtigation of the devil, as a falſe traitor againſt the king, his ſupreme, lawful, and undoubted ſovereign, and wholly withdrawing the cordial love and due and true obedience, fidelity and allegiance, which every true and faithful ſubject ought to bear towards him, and wickedly, maliciouſly, and traitorouſly deviſing, contriving, and intending to break and diſturb the peace and tranquility of the kingdom, and to change, ſubvert, and overthrow the government happily eſtabliſhed therein, and to uſurp, aſſume, and take upon himſelf, together with other falſe traitors, the power of government within the kingdom, and to excite, move, and raiſe rebellion againſt the king, within this kingdom, to depoſe and put down the king from the royal ſtate, title, power, and government of the kingdom, and him to death to put and bring. With having maliciouſly, wickedly, and traitorouſly met, conſulted, conſpired, and agreed to cauſe and procure meetings to be held within this kingdom, under the name of conventions, for the purpoſes of uſurping and aſſuming the powers and government of legiſlation, in, for, and over the kingdom, of effecting an alteration in the mode of electing members of parliament or obliging the king againſt his will, to change certain laws relating to the adminiſtration of the kingdom, of raiſing an inſurrection, of obliging the king to adopt certain laws which they wiſhed, of conſulting concerning the ſeizing upon the caſtle of Edinburgh by force, with pikes, guns, battle-axes, &c. and alſo upon the exciſe-office and banks, of ſeizing upon the lord juſtice clerk, lords

of juſticiary and ſeſſion, and lord provoſt of Edinburgh, of agreeing to be aiding in theſe conſpiracies, and of inſtigating other perſons to aſſiſt him in carrying the ſame into execution; of buying and procuring to be made, divers pikes, ſpears, battle-axes, &c. for the above purpoſes, of raiſing and levying, and cauſing to be raiſed and levied, money, for the purpoſe of arming himſelf and his aſſociates, with writing and publiſhing wicked addreſſes, adviſing the ſubjects of the king to ſubſcribe money, employing John Fairley to diſtribute the ſame, and to perſuade the people to give aſſurances to him of ſupport, to inform of how many they might depend upon, to perſuade the people to ſend money to David Downie, and to purchaſe pikes, &c. for the purpoſe of arming themſelves, and with employing William Brown and Robert Orrock to make pikes, &c. and cauſe them to be made for the above purpoſes, and which when made, were concealed in the houſe of the ſaid Robert Watt.

After the indictment was read over, Mr. Knapp aſked Mr. Watt what he had to ſay to it, and whether he was guilty or not guilty? To which the priſoner replied, Not guilty.

Mr. Knapp. How will you be tried?

Priſoner. By God and my country.

Mr. Knapp. God grant you a good deliverance.

Lord Juſtice Clerk aſked the counſel for the priſoner if he had any motion to make?

Mr. Archibald Fletcher ſaid, that he wiſhed Mr. Robert Cullen to be appointed ſenior counſel to aſſiſt him in the defence of Mr. Downie, in place of Mr. John Clerk.

This the court agreed to.

Mr. Robert Hamilton, counſel for Mr. Watt, ſaid, that as he obſerved a perſon of the name of Kennedy, in the liſt of witneſſes againſt his client, and as he underſtood he would be a very material witneſs for the priſoner, he wiſhed to know from the counſel for the crown, whether Kennedy was to be brought forward.

Mr. Anſtruther, for the crown, ſaid, that every exertion had been uſed, both in England and Scotland to get hold of Kennedy, but hitherto without effect.

Mr. Hamilton then ſuggeſted the propriety of delaying the trial till Kennedy could be found; but this Mr. Anſtruther oppoſed, aſſuring the counſel for the priſoner, that if they would inform where Kennedy was, they ſhould not be deprived of his evidence; for that, if the king's counſel knew where he was, Mr. Anſtruther promiſed to have him brought forward.

Mr. Fletcher then ſuggeſted that it would be proper to have it fixed, which of the priſoners ſhould be firſt brought to trial.

The lord advocate ſaid, Mr. Watt was the perſon firſt meant to be tried.

The court then adjourned till Wedneſday next.

Mr. Knapp, clerk of arraigns, proceeded to call the jury, ſeveral of whom, in conſequence of the peremptory challenge which the Engliſh law affords, the priſoner objected to; at laſt a jury of twelve citizens was ſworn in and impannelled.

Mr. Knapp recapitulated to the jury the heads of the indictment, particularizing the different overt-acts of treaſon of which the priſoner was accuſed.

Mr. Dundas then roſe, and opened the pleadings, by addreſſing the jury on the part of the proſecution. He ſaid, that as the clerk of arraigns had read the ſubſtance of the indictment, it would be unneceſſary for him to recapitulate it fully. He would only notice, that it ſtated the defendant having held a private correſpondence for the purpoſe of procuring and eſtabliſhing a meeting called a convention, under the pretence indeed of obtaining a reform, but really for the purpoſe of uſurping the powers of government, though they ſometimes ſaid it was to obtain a redreſs of their ſuppoſed grievances. The indictment alſo charges him with having aſſiſted in procuring arms, which no doubt were to be employed againſt the government of the country; and finally, the priſoner has conſulted on meaſures to overawe the legiſlature, and endanger the perſon of the king.

Mr. Anſtruther ſaid, it is my duty to lay before you the ſtate of the charge which the council for the crown now bring againſt the priſoner at the bar.—He remarked, that, ſuch had been the peace, the happineſs, and the proſperity of this country, and the Conſtitution under which we live, that the law of treaſon lives only in our remembrance: nor have we ſeen an inſtance of its exerciſe for half a century. He ſaid, he would ſhortly ſtate what the law is, and what are the crimes which conſtitute a breach of it.

I profeſs not, ſaid he, to poſſeſs thoſe powers of oratory, for which ſome are ſo famed, but, if I did, I ſhould abſtain from exerciſing them on the preſent occaſion; for, I know I ſhould ill perform that duty I owe to my ſovereign, whom I ſerve, if I attempted to inflame your paſſions, or miſlead your judgment, againſt the perſon now at the bar. I ſhall, therefore, give you a plain ſimple ſtatement.

Mr. Anſtruther then ſtated, that at the time of the union of England and Scotland, it was judged proper that the law of treaſon ſhould be the ſame in both countries; for as it was then brought about that we ſhould have one ſovereign, to whom we owed the ſame allegiance and duties, it was therefore determined, that in this reſpect we ſhould have the ſame law; and, gentlemen, give me leave to remind you, it was a beneficent act that extended the Engliſh law of treaſon to this country, for that exiſting here before that period was infinitely more ſevere. The law of treaſon lies in little compaſs, and it has exiſted in England ſince Edward III. and

was reduced to a certainty, which has little varied ſince that period.

It ſtates three ſpecies of treaſon; compaſſing and imagining the death of the king; levying war againſt him; and adhering to his enemies; and whoever is guilty of theſe, is guilty of treaſon.

The offence charged is compaſſing and imagining the death of the king. The act charges not the offence done, but the intention of the perſon, viz. that of compaſſing the death of the king. The law has been careful, becauſe the law knows the danger of allowing ſuch intention to be carried into effect; but while the law is thus ſcrupulous in preſerving the life of the king, it is equally careful in preſerving the life of the ſubject; and though it ſays compaſſing and imagining, yet it is not upon looſe grounds, for the act of Edward ſpecifies the manner to be by open deed.

An overt-act is the mean uſed to effectuate the purpoſe of mind; but though you have thus heard of compaſſing and imagining the death of the king, you are not to ſuppoſe I muſt ſtate a direct act of attempting to poiſon or deſtroy the king. I muſt prove to you the means which the perſon has uſed to obtain his end; but, as I wiſh you take no conſtruction of mine, therefore I will lay before you the opinion of the moſt celebrated judges upon the law of treaſon. Here Mr. Anſtruther ſtated a variety of law authorities. One author, he obſerved, ſays the law is not confined to direct attacks on his life, but to the means whereby the life of the ſovereign may be endangered: that, therefore, entering into meaſures to get his perſon into cuſtody are overt-acts, becauſe they are means whereby his life may be endangered. If I can bring any thing, by which the king's perſon and life were endangered, I call that high treaſon. Lord chief juſtice Hale ſays, if the conſpiracy be what muſt induce it, that is compaſſing the death of the king. So, if a conſpiracy is proved againſt the priſoner, which would have endangered the life of the king, that is what this judge defines high treaſon.

If I make out a charge againſt the priſoner, that he intended levying war againſt the king, to force him to do a particular thing, that is compaſſing the death of the king; for, as a learned judge ſays, he that fights againſt the king, muſt know that it puts his perſon in danger: or, if I ſhow a deſign, which cannot be carried without evident danger to the king, it will be your duty to find the crime of treaſon. If a conſpiracy be formed to levy war againſt the three eſtates of the kingdom, how can that be carrried on without endangering the life of his majeſty?—It is an overt-act of treaſon wherever the deſign cannot be carried into effect without apparent danger to the king. Juſtice Hale ſays, a conſpiracy to levy war againſt the king, however diſguiſed under pretence of rectifying abuſes, caſting down incloſures, &c. muſt be compaſſing the death of the king, for, it is ſaid, he that endeavours to conquer the king, cannot intend leſs than taking away his life.

Now, Gentlemen, I have no ſcruple to ſay, that the king's coun-

cil will prove that the priſoner had entered into a conſpiracy to conquer the king, by levying war, to force him to redreſs ſuppoſed grievances; and meetings to conſult about overawing the king, and levying war, is an overt-act of high treaſon. I will lay before you the means uſed by the priſoner to accompliſh his end; and if I prove it a conſpiracy againſt the king, it is high treaſon.

In a caſe brought before juſtice Coke, it was ſaid there was no war levied, and therefore the conſpiracy to levy war was not high treaſon. If there be a deſign to reſtrain his majeſty by a conſultation to levy war, then it is high treaſon. In the reign of George I. in the caſe of Lair, it was agreed, that a conſpiracy to levy war was not high treaſon; but the judge ſaid, the law is, that a conſultation to levy war againſt the king is an overt-act of high treaſon.

A conſpiracy to levy war has many times been indicted as an overt-act of high treaſon. Here Mr. Anſtruther ſtated a caſe of a conſpiracy, and of the publiſhing a paper propoſing to ſeize the tower of London and his majeſty's miniſters, which was conſidered as high treaſon, although compaſſing the death of the king was not mentioned in the indictment.

The fact I mean now to try, after having thus ſtated the law, is ſuch a conſpiracy or deſign on the part of the priſoner, as might have put the king's life in danger. This is not a ſmall conſpiracy of a few indivduals in an obſcure corner, but it is a conſpiracy ariſen from ſmall beginnings under the appearance of ſeeking legal meaſures, urged on by perſons circulating ſeditious papers, and by ſeditious ſocieties here and elſewhere, and agreeing to a deſign to be carried into execution, which would have deluged this country with blood. Such is the conſpiracy charged againſt the priſoner.

You know, gentlemen, there have been various ſocieties who aſſumed to themſelves the names of "Friends of the People." Their firſt pretended object was reform by petition; but whether they wiſhed to obtain their cauſe or be denied I know not; but their petition, however, did not meet ſucceſs. Soon after, a new ſcheme took place, and the firſt beginning of their plan will be found in a letter ſent to this country by Hardy, ſecretary to a London ſociety, where he ſays, "our petition has been rejected; our minds therefore muſt be turned to ſome other plan and more effectual means." To this Skirving returned an anſwer, and pointed out his plan, in which he foretells the downfall of government. Then they turned their eyes towards a convention; and no wonder they did ſo, as they had ſeen the effects of a convention in another country. A variety of letters point out diſtinctly that this convention was not to petition parliament, but to act by their own authority. Now if I can prove that the deſign was to ſuperſede and annul the government of this country, and controul all its powers, I will certainly make out a caſe of high treaſon.

Soon after this a body met at Edinburgh, who were afterwards

joined by delegates from England, and took the title of British convention. If you think their views were pure and constitutional, there is no harm; but if otherwise, that their intentions were illegal, and to carry their plans by force, then it is neither more nor less than a plan to supersede the government and legislature of this country, and set aside the king. One part of the instructions by the corresponding society in London to Margarot were to resist the legislature of the country in case they should do a particular act, viz. to stop certain meetings of the people. This then is clearly a conspiracy to resist king, lords, and commons.

This society was divided into sections and divisions, and took the cant names which are used in the convention of France. It may be said what harm in using French phrases? This may abstractedly be true, but you, gentlemen, are to judge of the plans and views of men by all that you see them do. Various motions were made and discussed in this convention; some for petitioing for reform, &c. but from the moment they assumed the name of the British convention, all idea of petitioning parliament was laid aside; and when it was even mentioned they passed to the order of the day, which was setting aside the question altogether, and therefore I cannot but infer that some other mode was intended: and indeed they soon after agreed to certain resolutions, too bold even for this society to publish. Among others they resolved to pay no attention to any act of parliament which they thought should militate against the people, and continue to meet and resist till compelled by superior force to desist. Every delegate was instructed on his return home, to explain to his constituents the necessity of electing a delegate, and establishing a fund for another convention in cases of emergency. Now I will shew you the prisoner agreeing to this resolution, and endeavouring to carry it into effect. This convention was indeed dispersed by the chief magistrate of this city, a gentleman whose honourable, upright, and steady conduct, has justly obtained him the approbation of all good men; but soon after, a proposal was again made for calling another convention in England. The first meeting for calling this convention was held at the Globe tavern, London, where it was resolved, to call a convention to rule for themselves, and to have no connection with parliament; for, say they, they must have a convention to obtain redress from these plunderers and oppressors. And who were those oppressors but the estates of the kingdom—king, lords, and commons, whom they thus meant to supersede in all their functions?

Their next meeting was held at the Chalk Farm, where they came to sundry resolutions; among others they declare, that certain acts of parliament they will not obey, nor submit to —These resolutions clearly demonstrate, that they meant to supersede the senators of the nation, whom they call the packed representatives of the people in parliament, and take the government upon them-

ſelves. If you ſhall be of opinion that they meant to do ſo, you cannot doubt but their object was to deſtroy completely the conſtitution of this country. I may be told what is all this to the priſoner; but it is neceſſary I ſhould ſhew you, firſt, that there was ſuch a plan, and then ſhew, that the priſoner was concerned; and his concern in this affair aſtoniſhes me the more, becauſe about two years ago, the priſoner pretended to be a zealous friend to government, and had ſome communication with an illuſtrious character, who filled the office of ſecretary of ſtate. To that reſpectable character he then wrote, ſaying, he would be happy to give information reſpecting the ſocieties of the friends of the people, and any other communications that might be ſerviceable to government. To this letter an anſwer was returned, ſtating that ſuch information as ſhould be uſeful to government would be thankfully received. After this, he had ſome correſpondence with my learned friend, the lord advocate, who being ſubpœned by the priſoner, will, when called upon give a proper account of what tranſactions took place. The correſpondence, I believe, continued down to the middle of laſt year. Some applications were made by the priſoner to my learned friend; what were the nature of theſe applications I will leave with his lordſhip to ſay when he is called on.—Prior to the ceaſing of this correſpondence, however, the priſoner had refuſed to become a member of one of theſe ſocieties, and certainly was not a member of the Britiſh convention; and unleſs I prove that he acceeded to another convention, and couple him with a conſpiracy in this country, he muſt be acquitted of that part of the charge.

But, gentlemen, you know it is not neceſſary that I prove every act charged, if I prove one act it is ſufficient. If I prove he took certain means to effect the purpoſe of his mind, I then prove the concluſion of treaſon againſt him.—After the diſperſion of the Britiſh convention, ſeveral members formed themſelves into committee for the purpoſe of carrying on the very views of that meeting. Of this committee, the priſoner was a member, and one of its purpoſes was to ſelect delegates to another convention in England.

This convention had alſo for its object to meet till oppoſed by force, and to collect a fund for ſupplying delegates. The priſoner moved for a committee of union to collect the ſenſe of the people, and convene another Britiſh convention. He may indeed ſtate, that he had a peaceable meeting in view; but I ſhall ſhew by evidence that ſuch could not be his object: becauſe he acceeded to the reſolution of oppoſing force, and to meet till diſperſed by force, and to call another convention, ſuch as I have deſcribed a treacherous meeting, to overturn the government. This convention ſeems to have taken great care of its members; its ſecond reſolution ſays the "*will* of the conſtituent is the conſtituent, therefore, if the repreſentative is attacked, it is the duty of the conſtituent to defend him by nature, reaſon, and honour."

There was another committee formed, of which Watt was alſo a member, called a committee of *ways and means*. This was a ſecret committee; they kept no book, and committed nothing to writing. It was to tranſact all the money matters of the friends of the people, and collect funds for what they called the *great cauſe*. This ſociety was alſo to correſpond with the ſocieties, who are to inform their committee what number of patriots they could depend upon, and ſuch as would ſpare no pains in promoting the great cauſe. This committee conſiſted of five perſons only, to whom all the ſocieties were to intruſt their money, and every concern. Upon one occaſion, this committee met to anſwer Hardy's letter, when Watt was preſent; and thus I couple him both with the firſt Britiſh convention and the one to be called.

The next act of this committee was an attempt to ſeduce the fencibles in this kingdom, and excite commotions among the ſoldiers. To effectuate this they circulated among the ſoldiers lying at Dalkeith, a printed bill of a moſt wicked tendency. The types of this bill were found in Watt's houſe, and I will trace copies of it from his hands to the perſon who actually diſtributed them.

But here comes another plan which Watt propoſed and read in the committee, in the night time a fire was to be lighted at the exciſe office, to attack the ſoldiers from the caſtle, and when they were to march down the ſtreet to aid in extinguiſhing it, then were the friends of the people to attack and maſſacre them with thoſe deadly inſtruments. This done, the caſtle was to be taken poſſeſſion of, together with the banks and all public offices.—The judges and magiſtrates were then to be ſeized and impriſoned; and when all this was accompliſhed, a proclamation was to be iſſued, ordering all farmers to bring their grain immediately to market, and ordering that no country gentlemen ſhould go three miles from home, all under the penalty of death. This was to be followed by an addreſs to his majeſty, *ordering* him to diſmiſs his miniſters, and diſſolve the parliament.

Now, gentlemen, all this I will clearly prove; and if I do, ſurely there can remain no doubt that the plan of this priſoner was to overthrow the government, and put the kings life in danger. I need ſcarcely add, that before this, the friends of the people were to be all armed.—Theſe facts he had found it incumbent on him to ſtate; but at the ſame time, he requeſted the jurymen not to allow his obſervation to ſway their judgment, but to throw them out of their recollection till they were ſubſtantiated by the evidence now to be adduced.

EVIDENCE FOR THE CROWN.

Edward Lauzon, king's meſſenger, depoſed, that he knew Mr. Hardy, ſecretary to the London correſponding ſociety, and ſeized ſome papers in his houſe in London.

Mr. Hamilton ſtated, that he underſtood it to be law, that no proof can be adduced to any extraneous matter not in the indictment till ſuch time as an overt-act can be eſtabliſhed.

Mr. Anſtruther anſwered, that before he could prove Mr. Watt to be acceſſary to a conſpiracy, he muſt prove that ſuch a conſpiracy did exiſt, and then he would ſhew that Watt was concerned.

Mr. Hamilton ſaid, a plot in England is not the ſame charge with a plot in Scotland, which Mr. Watt is charged to have been concerned with.

Mr. Anſtruther replied, it is ſtated a plot did exiſt, and I will prove, perhaps by evidence from England, that a plot in which Watt was concerned, exiſted in Scotland. (The objection was over-ruled by the court.)

This witneſs then ſaid, he found ſome papers in Hardy's houſe, among which was a letter ſigned *William Skirving*, dated 25th May, 1793—another, dated 10th June, 1792; alſo a printed letter, ſigned *T. Hardy*.

Mr. Scott, procurator-fiſcal, ſtated, that Mr. Skirving and others, of the Britiſh convention, were apprehended on 4th December, 1793; and ſeveral papers were found in Skirving's houſe. Here the witneſs identified ſeveral papers, ſome of which were addreſſed to Margarot, Gerald, and Skirving;—alſo, inſtructions from the London correſponding ſociety for conſtitutional information;—ſeveral letters from Hardy, &c.—Inſtructions for citizen Gerald, Oct. 24, 1793. Mr. Scott then ſtated the circumſtances reſpecting Margarot and Gerald being apprehended, and the papers found on them.

He next mentioned his having been preſent when the convention was diſperſed at the Croſs-cauſeway, in December laſt. He ſpecified a letter of Skirving's hand-writing, dated in May, 1793, addreſſed to Thomas Hardy, London. It acknowledged a former letter, which he ſays would be laid before the ſociety. It ſays, "I know no more ſervice I can do to my country than promote the union you ſo much deſire. We are the people themſelves, and the people can both act and ſpeak for themſelves. When the tabernacles of anarchy and ariſtocracy are broken down, then will we, without fear, erect our fabric of freedom. If you go no farther than meeting in ſeparate towns, you will do no more than ſhew yourſelves the tool of a faction." A variety of other circumſtances are noticed.

John Taylor, Fleet-ſtreet, London, ſaid, he was a member of the London correſponding ſociety, and knows T. Hardy, the ſecretary, and knows his hand-writing, which he now ſees upon a paper, entitled, *certificate of Gerald's election*. Several other letters were alſo ſhewn, which he ſaid were Hardy's writing. He ſaid, the London correſponding ſociety was a large body divided into diviſions, amounting to fourteen. A general committee met on

Thurſday. A committee of emergency was formed in May laſt. A general meeting was held in January laſt, about a thouſand perſons preſent; ſo great was the crowd that the floor gave way. One Martin was chairman. Reſolutions were agreed to, and afterwards printed. One ſpeaker propoſed, that the permanent committee ſhould meet every day, and diſtribute hand-bills; and, in caſe the habeas corpus act ſhould be repealed, the ſociety ſhould repel force by force. He received a copy of the reſolutions of the meeting from a perſon named "Moore," and now ſees it on the table.

He remembers a meeting at Chalk Farm, two miles from London, where there were about two thouſand people. A perſon named "Love," was in the chair. Some reſolutions were read. They were put ſeparately, and all carried, and printed. He received one from T. Hardy, in May, at a meeting of the ſecond diviſion of the London correſponding ſociety. The witneſs ſtated a variation in the copy of the reſolutions. The one ſays, the conduct of the miniſtry brought Charles I. to the ſcaffold, and expelled the Stuart family from the throne; therefore, reſolved, *That th preſent miniſtry were guilty of high treaſon.* The expreſſion in the other is, "Therefore miniſters ought to conſider whether they are not guilty of high treaſon." An hundred thouſand of the reſolutions at the Globe tavern were printed, and two hundred thouſand of thoſe at Chalk Farm were ordered to be printed. Depones, he has heard of military diviſions, and once ſaw a young man named "Oxley," who had a ſtick of a particular conſtruction, fitted to allow an inſtrument to be ſcrewed on the end; and, when he produced it, he ſaid he had formerly belonged to the military in London, and ſtill meant to continue in that line. And he knew where others, ſuch as this could be found, but was bound not to divulge it.

Croſs-examined.—He ſaid he took memorandums for his own information, becauſe, being ſeduced to be a member at firſt, imagining their object was reform, and afterwards diſcovering it to be very different, he thought theſe notes might be of uſe in caſe he ſhould be called on, which he afterwards was, being ſent for to the ſecretary of ſtate's office.

Edward Gattard, clerk to Mr. Wickham, magiſtrate in London, attended one of the diviſions of the London correſponding ſociety, where, by a converſation in April, he underſtood a convention was to be formed, and the people were to arm to defend the convention, as the citizens in Paris protect the convention there.

Croſs-examined. He ſaid, he became a member of theſe ſocieties in conſequence of ſome curious language he heard at the meeting at the Chalk Farm, where he was by invitation from one of the members.

Alexander Atchinſon, late goldſmith, deponed, that he was a member of the Britiſh convention, and aſſiſtant Secretary to Mr. Skirving, and wrote a conſiderable part of the minutes, which he now knows; and has ſeen the ſame papers before in the court of juſticiary: that ſeveral perſons gave him aſſiſtance in writing the minutes, among others, George Roſs. He recollects a motion by Mr. Callender, which cauſed ſome obſervation, and was referred to a committee. Mr. Sinclair moved an amendment, in which the covention declare, before God and the world, that they will imitate the wholeſome example of former times, by oppoſing any ſtep that ſhall militate againſt the people, &c.

[Here the witneſs read part of the minutes, which concluded with theſe words, "Here the members ſtood up, and ſolemnly paſſed the following motion."]

Deponed, That he knows Mr. Watt, and that in January laſt, he was appointed a member of the committee of union: That the convention was diſperſed in December, and the committee was formed in January. The committee was to preſerve union among the friends of reform. The friends of the people met occaſionally to keep up a correſpondence about the plan of reform propoſed by Mr. Pitt and the duke of Richmond; and that Mr. Watt was a member, and he himſelf was a member of the committee of emergency for the purpoſe of paying debts; and has heard it ſaid, it was for the purpoſe of paying the expences of delegates for a convention to be held in England. This convention was for the ſame purpoſes and objects as the former. Mr. Bonthorn was a member of the Britiſh convention. The purpoſes the convention had in view were the ſame which Mr. Pitt and the duke of Richmond had in view twelve years ago. Deponed, that he has heard out of doors ſomething of arms, but cannot name any perſon who ſaid ſo: that he has ſeen a pike in George Roſs's; that he ſaw two in the poſſeſſion of a blackſmith; that the committee of union met in Roſs's. Depones, that he has heard of arming the people, but cannot ſay particularly by whom he heard it.

He thinks it was about the time when earl Stanhope delivered his ſpeech about introducing foreign troops. Some ſaid they would as readily arm againſt the French as againſt other foreigners; others ſaid they ought to arm in defence of liberty; but cannot ſay who were the perſons that ſaid ſo. There were, perhaps, five or ſix preſent when the converſation took place; it was the common talk of the day. He cannot ſay what the particular converſation was which he had with Mr. Watt, the night the ſub-committee was appointed in January, and cannot recollect any converſation in the committee—that he had been in Mr. Watt's houſe, but cannot recollect the preciſe converſation.

Court. Did any converſation paſs between you and the priſoner about arms?—Anſ. Never. He only ſaid, that ſomething of im-

portance was on the carpet, which would come before the public or the world. This was about the time of lord Stanhope's ſpeech concerning arming the people.

Court. What were your reaſons for abſenting from the committee of ways and means?—Anſ. Becauſe I heard that ſome ſecret buſineſs was to come before the committee, but cannot ſay from whom I learned this.

Court.—How did you learn this?—Wit. I took it for granted it was ſo.

Court. Did you never give a different account of your converſation with Watt, than what you now do?—Wit. I never did, or if I did, it certainly was not true.

Mr. Erſkine, ſaid, he did not think it competent by the law of Scotland to queſtion a witneſs upon that ſubject.

Mr. Anſtruther, ſtated the law of England to be otherwiſe.

The lord preſident ſaid, the law of Scotland was certainly as Mr. Erſkine had ſtated, but with reſpect to England, he apprehended it was different, and hinted to Mr. Anſtruther, that it would be better to avoid that in future.

Mr. Anſtruther ſaid, he would take the hint, and would not have done it in this caſe, had not the witneſs acted in the very extraordinary manner he had done; but he would now requeſt the jury to lay his evidence out of their view.

George Roſs, late of the Gazetteer office, depones, That he knows the priſoner, and has ſeen him in his own houſe about the end of the laſt or the beginning of the preſent year. There was a committee, which began to meet in his houſe about the above period; Downie, Mac Ewen, Orrock, and Watt, were of that committee, which, he thinks, was called the committee of union. They went into a private apartment. There were two committees; a ſmaller one met at one time, and a larger one at another. They met once a week, and continued till Downie and Watt were apprehended, and at that time the witneſs left Edinburgh.

One Bonthorn, a teacher, attended, and Mr. Stoke was once or twice there. After the convention was diſperſed, two ſocieties continued to meet; one in Symon's-ſquare, the other in his houſe. In Symon's-ſquare, about ſeventy people met. Depones, That he does not know Mr. Hardy; but once wrote to him: that he received from Mr. Hardy ſome printed papers, ſigned T. Hardy, which Mr. Stoke brought to him. Theſe were ſent to different perſons belonging to the ſocieties in the country, viz. in Perth, Paiſly, Strathaven, Dundee, &c. The one ſent to Perth was directed to Walter Miller, the one to Strathaven to John Wilſon.

Alexander Mitchell, manufacturer in Strathaven, being ſhewn a letter, acknowledged he wrote it in anſwer to a printed letter ſigned Hardy, ſent him regarding a convention. In conſequence of that letter, a meeting of the ſociety was held, and a delegate

choſen to the convention. His letter was directed to T. Hardy, London, and announced that a delegate was choſen.

William Lockhart, ſheriff's chamber, ſaid, he went to ſearch the houſe of Mr. Watt for ſome goods, which were ſecreted, belonging to a bankrupt. In the ſearch he found ſome pikes. He made a ſecond ſearch the ſame week, May 15, and found ſome more in a cloſet. The witneſs produced the pikes, and put two of them on a ſhelf which was alſo found in the priſoner's houſe and carried to the ſheriff's chamber. The witneſs alſo found the types of a hand-bill, which he likewiſe carried to the ſheriff's chamber.

William Middleton, ſheriff's officer, on 15th May laſt, ſearched the houſe of Orrock, ſmith, at Dean, and alſo ſearched Mr. Watt's where he found ſome pikes, and ſome types ſet up. In Mr. Orrock's houſe he found 33 pikes, ſome finiſhed, and ſome not.—Here the witneſs ſhewed the pikes, and deponed, that they were found in the ſmithy.

James Walker, in the ſheriff clerk's office, depones, that he ſaw a form of types in the ſheriff clerk's office in May laſt: ſaw an impreſſion taken of them at Campbell Denovan's printing-office; and being ſhown a copy, depones, that it is the ſame impreſſion.

Mr. ſheriff Clark ſaid, That upon the 15th May, Mr. Lockhart brought a pike to his office. A warrant was then granted to ſearch Watt's houſe, and he, the witneſs, went there; where in an upper room he found in a cloſet a form of types, two lines of which he could read; the one, Dundee, April 12 1794, the other, for other purpoſe you were enliſted.

James Somervell, printer, ſaid he took off an impreſſion from a form of types which he got from the ſheriff in May laſt, and identified a copy of it.

William Watſon, Dalkeith, ſaid he thinks he once ſaw the panel in his own houſe, which is farther down the ſtreet than the North bridge; that Mr. Downie ſent him there. It was about the beginning of ſummer. Recollects a fencible regiment at Dalkeith, and it was about the time he ſaw Watt and Downie. He was then ſtanding in Ritchie's ſhop door when Downie paſſed; and, having heard of a hand-bill about the fencibles, he aſked Downie for one, who ſaid, if he would follow him, he would gratify his curioſity. He then took the witneſs to Watt's houſe, where he remained a few minutes, and Downie ſaid he could not get them there. He then went to a Mr. Kennedy's, who gave him ſome of theſe bills. Mr. Downie deſired him to throw the parcel on the floor, and if any body aſked him where he got it, he might ſay he found it. He did ſo, and took it up again; and having carried it home, gave theſe bills to ſome of his acquaintances, one of them named "Johnſtone." The witneſs was a member of the convention, and ſecretary to the ſociety of the friends of the people at Dalkeith.

William Johnſtone deponed, that he got a paper from William Watſon about the fencibles. It was dated Dundee.

James Sandilands depones, that he got a paper from William Johnſtone, and immediately gave it to ſerjeant Hardy, of the earl of Hopetown's fencibles.

Serjeant Hardy deponed, that he got from James Sandilands a ſeditious paper regarding the fencibles; this was on Saturday 10th of May laſt: the regiment was then going to Liverpool and Whitehaven.—(Here the witneſs identified the paper.)

Arthur M'Ewan, Water of Leith, bred a weaver, deponed, that he was a member of a ſociety of friends of the people there; was as delegate to the convention when they were diſperſed; after the diſperſion the ſociety at Water of Leith continued to meet: that he was afterwards at a meeting of the committee of union at George Roſs's.—There were more than twenty members preſent. They formed another committee, called the committee of ways and means, of which he was a member. The purpoſe of this meeting was to conſider on a letter from Mr. Skirving, which ſaid, as the convention owed him money he expected they would pay it, and take care of his wife and children. The members were Watt, Stoke, Downie, Bonthorn, and himſelf.

At the ſecond meeting, Watt, Downie, Stoke, Bonthorn and ſelf were preſent. At the third meeting, Watt, Downie, Bonthorn, Stoke, and ſelf were preſent.

Queſt. At this meeting was any propoſal made for ſeizing the government?—Anſ. Mr. Watt read a paper for ſeizing on lord juſtice clerk, the lords of ſeſſion, and the lord provoſt. A fire was to be lighted at the exciſe, and when the ſoldiers were coming down, the people were to fall on them, and to ſeize the banks. Thinks this was to be in the night time. There were to be commiſſioners to demand the caſh of the banks. Thinks, that Watt afterwards put the paper containing this plan into a preſs. In Watt's own room he read a paper or proclamation to this effect, "deſiring all farmers not to remove their grain under pain of death, and all gentlemen not to go three miles from their houſes." This was to be iſſued immediately after the above mentioned attack.

On the other ſide of the ſame paper was an addreſs to the king to diſmiſs his miniſter, diſſolve the parliament, put an end to the war, or he might abide by the conſequences: that Watt ordered him to accompany him, to Orrock, when he deſired Orrock to make pikes, of which Orrock drew a model; that Watt ordered him to be buſy as he had 4000 to ſend to Perth, beſides what was needed for Edinburgh, and as ſoon as they were made, he would get his money. The witneſs ſaw Orrock's ſervant making one, and a lad came in, who aſked him what was their uſe? He anſwered, an invention mounting for a gentlemans' gates: that he has ſeen John Fairley at the committtee, and he was told he had been ſent to the

weſt, and the priſoner was preſent when Fairley told he had viſited many places, of which Watt took a note.

Fairly ſaid, Paiſly was in a ſtate of great readineſs. The witneſs ſaid, when the paper was read, he would by no means agree to any thing that would ſhed the blood of his countrymen: that he heard another letter read in the committee of ways and means; has heard of ſome perſons called collectors in the committee of union. The ſociety of Water of Leith gave 15s, to provide for Mr. Skirving's family, to be at the diſpoſal of this committee, and 15l. from Perth. [Here the witneſs identified the paper produced by Watt.]

William Bonthorn deponed, that he was a member of the ſub-committee, or committee of ways and means, but withdrew from them altogether about the 17th of April. Watt attended that committee and the committee of union—agreed with the preceding witneſs M'Ewan, as to the members of the committee of ways and means,

Court. What made you withdraw from the committee?—Wit. Different things that at preſent I can't ſay. Being farther interrogated, ſaid, he wiſhed the court to aſk him no queſtions, for he remembered nothing at all of the matter; there was ſuch a confuſion that it cut off his whole recollection. On being told he was criminal in concealing the truth, he deponed, that he never heard Watt propoſe a plan, but heard him read a paper.

Court. What was the purport or ſubſtance of that paper? Wit. It went on ſuch ſuppoſitions that I looked upon the whole as a kind of frenzy. It contained ſomething about ſeizing the caſtle, but I don't recollect any thing at all about it. Being interrogated, what the paper ſaid of that matter? Deponed, That a number of people were to ſeize on the caſtle, while the ſoldiers were decoyed down by a fire kindled about the regiſter office, and likewiſe to ſeize on the banks and exciſe office.

Court. Were there no perſons to be ſeized?—Wit. Don't recollect of any perſon mentioned to be ſeized. Taking poſſeſſion of the town guard was alſo mentioned in the paper.

Court. Who was to do this?—Wit. The people, if ſo many could be collected. The paper upon the whole alarmed him much.

Court. What did you ſay on hearing it read?—Wit. Arthur M'Ewan oppoſed the plan, and I agreed with him.

Court. What was the buſineſs of the ſub-committee?—Wit, To tranſact the buſineſs of the ſociety.

Court. Do you remember the circular letter printed by the committee?—Wit. I ſaw the letter in manuſcript at the committee which met in George Roſs's, it was wrote by Mr. Stoke; the other paper was not read then, but in Watt's houſe. Does not recollect the particulars. Watt took it from his pocket, and, after reading it, put it into a preſs in the room. M'Ewan and he went home after the committee diſmiſſed.

Court. Did you take any ſtep after that, to ſhew that you diſliked the proceedings?—Depones; that the reading of the paper alarmed him ſo, that he reſolved to quit the meeting altogether; and wrote an advertiſement for the advertiſer to that purport, which was the ſubſtance of that on the table. It was not ſent, as at that time John Fairly called on the witneſs, and ſaid he was to take a jaunt to the weſt country, and wanted him to give ſome ſhillings, for which he would account. The witneſs told him, he had none, but wrote a line to Mr. Watt, and he gave him the money.

Court. Where was Fairly going?—Wit. To Falkirk, to ſee his ſiſter; but ſaid he had a commiſſion from Watt.

Court. Did you ſee him after his return?—Wit. Yes, one morning by accident; he did not ſay where he had been, nor whom he ſaw, Deponed, That he heard of a printed letter which Hardy ſent, but knows nothing of the contents; an anſwer was ſent to Hardy's letter, but does not know the contents; it was wrote by Stoke, and was to be carried by himſelf, he being going to London in a few days by ſea—Saw a paper about the ſencibles, wrote by Stoke, and Watt was preſent.

John Fairly, Wright, ſaid he was a member of the Britiſh convention, and was choſen by a ſociety to be a collector. They collected money and ſentiments, becauſe there was a number of people warmly attached to the cauſe, who could not give their attendance, but gave money, while others gave only their opinion. This was ſometimes called a committee of ways and means, where he was ſometimes preſent with Watt. He heard there were ſome pikes got ready, and was not long acquainted with Watt when he ſhewed him ſome. They had once ſpoke about pikes before, and he (the witneſs) had a drawing of one made out, which he ſhewed Watt, who told him the pikes were intended for ſelf-defence, and no perſon was to get them but thoſe who wanted and paid for them.

Crown. Did you ever ſay any thing about your fear of bloodſhed? Wit. I was expreſſing my fears that the meaſures of government would drive the people to deſpair, and Mr. Watt anſwered there would be no bloodſhed, for thoſe who were moſt active againſt the cauſe of the people would be impriſoned. He recollects Mr. Watt ſpeaking of ſoldiers, on which the witneſs ſaid, that if affairs came to extremities, he had no fear of the ſoldiers, for he would juſt ſpeak to them, and they would be as glad of freedom as we can be.

Court. What do you mean by freedom, you ſay the ſoldiers would be glad of it?—Wit. I mean annual election and univerſal ſuffrage.

The witneſs then ſaid it was once mentioned, that after ſeizing the obnoxious people here, couriers were to be ſent to the country, to announce what was done. That Mr. Watt once told him he would give him ſome of the arms to ſhow the collectors, upon which

he made ſome objections; and Mr. Watt replied there could certainly be no objections to a merchant ſelling goods in his ſhop. That Mr. Watt ſhewed him pikes in his own houſe, which he wiſhed him to carry and ſhew the collectors.

Crown. Why did you not carry them?—Wit. Becauſe none of the collectors ever aſked for them.

Crown. was it not your reaſon that you thought it dangerous to do ſo?—Wit. I thought no harm of it myſelf, but other people might think ſo, becauſe I was diſtributing them; and the collectors might have thought I wiſhed to urge them upon them before they were aſked. One day I propoſed going to Bo-neſs, when Bonthorn aſked me to carry a letter. Next morning I called on Mr. Watt, and he deſired me to call at Mr. Campbell's, hatter, and get a parcel, which I did. It contained papers. Mr. Watt ſaid, I would know what to do with it. I went to different places, viz. Glaſgow, Paiſly, Kirkintilloch, Kilſyth, Stirling, &c. and had two papers of inſtructions; the one to deſire the ſociety to ſend Mr Downie their money, and alſo to diſtribute papers: the other to aſk what number of patriots were in the place. I then went to Stirling, and delivered a copy of theſe papers to all the people I called on, viz. Dr. Forreſt, in his own houſe where were ſeveral others. Had no direction to Dr. Forreſt, but having heard of him, called to aſk how the ſociety was flouriſhing there. Thinks the name of one in Forreſt's houſe was Thompſon; they all remained about two hours. I told them the news in Edinburgh, about what I have already mentioned; and drew a plan of a pike on Forreſt's table.—Then left Stirling, and went to Mr. M'Croſs, a relief miniſter at St. Ninan's. Then went to Kirkintilloch, and called on Mr. Anderſon—next to Paiſly, on Mr. Haſtie, a member of the convention. Then came to Edinburgh, and went to the committee of union, where were M'Ewan, Downie, and Watt, to whom I told what I had done, and returned the written inſtructions formerly received, to Mr. Watt, as alſo a liſt of the towns and places, and of the people where I had been.—Had alſo a paper on my journey, authoriſing me to call at the ſocieties. There were ſeals at this commiſſion—no names; but it was ſaid it came from the committee of ways and means. This was alſo returned to Mr. Watt. I received a line from Mr. Bonthorn to Mr. Watt, who gave me a line to Mr. Downie, from whom I received 30s. to defray the expences of the journey.

He was now ſhown a liſt of his own writing, and deſired to read it, It run thus: S———g, ſupport by money; C———ge not great. S—pp—t, as yet uncertain.

Crown. Why did you keep theſe words blank?—Wit. I did not like to write them in this liſt. (Here the witneſs was deſired to explain them, and with much ſeeming difficulty at length read them

thus: Stirling—ſupport by money—Courage not great—Support as yet uncertain.)

After this the witneſs ſaid, that he ſhewed his commiſſion and inſtructions to Dr. Forreſt, and at all places he called at. Thinks the inſtruction ſpoke ſomething of a plan or grand plan.

Crown. What was that plan?—Wit. It might be what Mr. Watt was telling me. It ſpoke ſomething about a committee of ſecrecy.

Crown. Did it tell any thing about being free? Wit. Aye, yes, I think it mentioned it, ſaying ſomething about that. It ſaid about Britons being free.

Crown. What was to make Britons free? A. It juſt ſaid ſomething about free; it might mean the grand plan. The committee of ſecrecy was to correſpond with Downie, and I went to the country to tell the ſocieties to correſpond with him.

Dr. Forreſt, Stirling. A perſon named Fairly, called on me in May laſt, telling me he was deſired to enquire in what ſituation the ſociety was. He gave me three copies of printed bills and a letter, and ſhewed a paper, in which money was requeſted for Mr. Skirving. It ſpoke about ſome collectors, or perſons to be provided with.

Crown. What was the conſtruction put on blank?—Wit. I ſuppoſed it ſhould be filled up—"arms."

Queſ. What did you ſay to Fairly?—Anſ. I told him we did not wiſh to injure any one, and he ſhould be cautious what he did.

Queſ. Did Fairly ſay any thing of arms manufacturing in Edinburgh?—Anſ. He was talking about an invaſion, and then made a draught of a halbert, and ſaid, he knew a perſon who could furniſh ſuch inſtruments, who, I underſtood reſided in Edinburgh.

Queſ. When the company ſupped, what was Fairly's converſation? Did he ſay any thing of a riſing of the people?—Anſ. He did ſay ſomething about it; but whether as a thing ſettled, or what might be done, is uncertain. Some converſation took place of a plan for diſarming the ſoldiers, which I underſtood, was to be done by the perſons who ſent Fairly weſt. He ſpoke of ſome people in Edinburgh who would repent their conduct, and would be put up by the people who ſent him. He ſpoke of collectors, who were to head and command the people when they ſhould riſe. It was ſaid there was to be a convention, ſimilar to the Britiſh convention which met at Edinburgh. From the converſation I had with Fairly I gathered there was to be a riſing of the people, and ſeizing of ſoldiers arms.

Robert Orrock, ſmith, ſaid, he was a member of the Water of Leith ſociety, the convention, &c. He firſt heard of arms in March, when in George Roſs's houſe—there were preſent Watt, Mac Ewan, and Downie. The converſation took place about ſome ſpeech in the newſpaper about arms, and the Goldſmiths-Hall people had got ſome, and we ſhould apply for ſome too. It was ſaid

we ſhould not get them, to which Watt anſwered—there was no law in Britain could prevent us.

Watt called on the witneſs, and wiſhed to look at a weapon he had ſpoken of, and ſhewed him a draught of one, which he made, and carried to George Roſs's houſe, and ſhewed it there to Watt, Downie, and others. Some days after, about the 1ſt of May, Watt called at the Dean, and defired him to make a few pikes with croſs axes, and two or three dozens of different forms. He aſked me how many I could make a week? I ſaid fifty. He aſked if I could get ſticks? I ſaid I might. Some time after Martin Todd called on me from Watt and aſked if I had made any of the inſtruments? He again called, and ſhewed me a large one, and defired I would make one like it—I ſaid I would not. One William Brown afterwards called, and aſked if I was making the pikes? I ſaid I was; but he aſked how we could get ſticks, for there were thouſands of them wanted. I then began to be alarmed, for William Brown made all his in ſecret. Watt afterwards defired me to ſay they were for the top of a gate.—At firſt I thought they were for the defence of the country. Mr. Watt ordered them, and Mr. Downie was to pay for them. I have heard of a committee of ways and means, of which Watt was a member. In the committee of union there was a converſation about getting arms, and I made one for himſelf.

Martin Todd, ſmith, remembers going from Watt to Orrock with a pike. Orrock returned it, and ſaid he was going on with them as faſt as poſſible.

William Brown, ſmith, ſaid, William Robertſon aſked me to make ſome ſpears for a Mr. Watt; and when I told him I did not know but I might, he defired me to call on Watt, which I did, and he ſhewed me a ſpear, and aſked if I would make ſome. Mr. Watt afterwards called at my ſhop, when I ſhowed him one half done, and told him I did not chuſe to make any more of that kind. He then ordered ſpears with ſockets. I made fourteen and ſent them to Watt's houſe, when he gave me a line to David Downie, who paid me the money.

John Fairly ſent notice to the court that he wiſhed to correct his former evidence. Being again called to the bar, ſaid, he recollected Watt ſaying, that the banks and the public offices were to be ſeized, Thoſe moſt againſt us (the ariſtocratics) were to be ſeized, and couriers to be ſent to the country with the news. The magiſtrates of Edinburgh were alſo to be ſeized.

William Robertſon, ſchoolmaſter, Simon's ſquare.—Watt once aſked me, if I knew any ſmith that could make ſpears. I mentioned Brown to whom Watt gave me a meſſage. I was a member of a ſociety that met in my ſchool. It increaſed much after the diſperſion of the convention. Their object was univerſal ſuffrage and annual parliaments. Have heard of a committee

of union. Was ſecretary to a general committee. Watt was at that committee when a motion was made for a committee of emergency. Has heard of a committee of ways and means, and alſo that a perſon went to the north, and another to the weſt country. There was a greater ſecreſy obſerved than formerly among the ſocieties of the friends of the people, at their meetings.

Walter Miller, merchant in Perth, ſaid he knew a letter which was ſhewn him, to which he was deſired to ſend an anſwer addreſſed to George Roſs, Liberty-court, which he did, and once ſent 15l. to Mr. Downie, to relieve ſuffering patriots, and to ſupport the cauſe of reform.

William M'Ewan was again called into court: he ſaid he heard Mr. Stoke ſay he would do every thing in his power to open a correſpondence between T. Hardy, the ſecretary to the London correſponding ſociety, and Watt.

Queſ. from the priſoner.—Did I wiſh more than any other member to carry on this correſpondence with Hardy?—Anſ. Yes you did; and Stoke pointed out a plan to carry on your correſpondence.

(Here the evidence for the crown cloſed.)

Mr. William Erſkine, counſel for the priſoner, ſaid that he meant to ſtate as a defence for Mr. Watt, a correſpondence which had paſſed between him and the right honourable Henry Dundas, ſecretary of ſtate, and the lord advocate of Scotland.

EXCULPATORY PROOF.

James Clerk, Eſq. ſheriff depute of the county of Edinburgh, ſaid, when Watt was apprehended, he declined giving any anſwer to queſtions, until with the permiſſion of the lord advocate and Mr. ſecretary Dundas. He was again examined next day, when he was told the anſwer he gave, was no anſwer as to the pikes.—He ſaid, at the ſecond examination, that, on his table, an advertiſement would be found for the ſale of pikes, which he conſidered as an article of trade, and thought he could ſell them cheaper than any other.

The lord advocate was then ſworn.—His lordſhip ſaid, that in October, 1792, when Mr. ſecretary Dundas came to Scotland, he had ſeveral converſations with him about the ſtate of the ſocieties in Scotland.—He then mentioned Mr. Watt's name, on account of a letter which Watt wrote him, offering his ſervices to government; in conſequence of which, an enquiry was made concerning him.—As he was thought faithful, he was truſted by thoſe in power.—He gave ſeveral pieces of information, and ſometimes came to his lordſhip's houſe in George's-Square in the evening when dark.—One piece of information he gave was, that ſome ſoldiers,

on their march from Chatham barracks to Perth, had, on the road, been tampered with by ſome perſons and ſocieties of the friends of the people; but, on a thorough inveſtigation, the whole ſtory turned out to be a falſehood.

His lordſhip ſaid, Watt had ſent him a letter in March, 1793 mentioning, that two perſons, whom he had reaſon to believe poſſeſſed a good deal of knowledge with regard to certain plans forming by ſocieties in Scotland, had told him they could give him a very important piece of intelligence; but this they would divulge to no one, unleſs 1000l. was paid down. This letter, his lordſhip ſaid, he ſhewed to Mr. Dundas and Mr. Pitt, who agreed with him, that ſuch a demand could not be complied with, and accordingly an anſwer to that purpoſe was ſent to Mr. Watt; but that afterwards, Watt informed his lordſhip, that, before the perſons alluded to, had ſpoken to him, they took him bound in a bill for 30l. which he had paid; this bill his lordſhip ordered to be paid. He does not think he received any letter from Watt ſince July, 1793, nor has ſeen him ſince October laſt.

[*Here the whole proof cloſed.*]

Mr. Hamilton then addreſſed the jury on the part of the priſoner. He ſtated the importance of the trial, as requiring their moſt ſerious attention. It was a charge, he ſaid, of the moſt heinous nature, accuſing of the higheſt crime: It was a caſe of blood, in which they were to determine on the fate of this pannel. He obſerved, that by order of court, the conducting of the pannel's defence had been entruſted to him, and he now promiſed, as a man of honour, to do him all the ſervice in his power. This he conſidered as a duty he owed to him, and a duty he owed to his own feelings. The crime, he ſaid, was not a direct attack on the ſacred perſon of his majeſty. If it had, I ſhould not have brought my voice to riſe in defence of the criminal.

Mr. Hamilton now entered upon an inveſtigation of the law of treaſon, and, in a very maſterly manner, went through a voluminous body of law authorities, to ſhow its nature and diſtinctions.

He then went over the whole evidence, and combated it in its various parts in the moſt able manner. He took notice of the ſuppoſed attack on the caſtle, as an irrational and extravagantly fooliſh idea. Of the pikes found, he remarked, that the ſmallneſs of the number was ſufficient to prove, they could not be intended to be uſed in any ſerious attack againſt this country; beſides, only ſeven perſons were belonging to this committee who are ſaid to have known of them. Could ſeven perſons uſe forty-ſeven pikes? Could forty-ſeven pikes take the caſtle, maſſacre the ſoldiers, ſeize the judges, and overcome the government? Upon every topic of the evidence, he deſcanted with great ability, and particularly alluded to the pannel's correſpondence with thoſe in power, ſaying,

that it was in order to follow out his plan of obtaining information, that he had done what was charged againſt him. His caſe was ſimilar to that of a ſpy in an enemy's camp or army, where it was not only neceſſary he ſhould wear their uniform, but alſo carry arms againſt the power he meant to ſerve. Yet, could it be ſaid, that if ſuch a perſon was taken by that power who employed him as a ſpy, that he ſhould ſuffer for being taken under ſuch circumſtances? He argued that it was probable the priſoner meant to have given intimation to Mr. Dundas, of any of theſe plans that might be forming, ſo ſoon as he found it a proper time to do ſo. He obſerved, that it was moſt unqueſtionably neceſſary, that government ſhould have proper perſons to give them intimation of any improper ſchemes going on; but, what perſon will be found ſo hardy in future, if this man ſhall fall in the cauſe.

After many moſt ingenious remarks, he concluded, by ſaying—That, if the cup of this man's iniquity be full, the dregs are bitter, yet he muſt drink them; but, if otherwiſe, and he ſhall yet meet with a deliverance, then it falls to you, gentleman of the jury, to daſh the cup from his trembling lip, that he may not taſte its bitters.

The lord advocate then roſe to reply; and ſaid, that, as the trial had branched out ſo long, he ſhould be as conciſe as the nature and importance of the caſe required. His lordſhip obſerved, that although the learned gentleman who had preceded him, ſaid, that no alluſions to the ſtate of affairs in another country, ought to be mentioned on this occaſion, yet, as the ſimilarity of the plans adopted by the diſcontented in this country ſo nearly reſembled that which was ſo unhappily purſued there, he thought it his duty to ſay, that what had appeared in evidence this day, fully juſtified him in ſaying, that there was but too much truth in it. His lordſhip argued at great length, and with much ability, on the laws of treaſon, particularly the ſtatute of Edw. III. and adduced the opinion of many able Engliſh lawyers in ſupport of his conſtruction of that ſtatute. He was clearly of opinion, that the crime laid in the indictment, whatever conſtructions his learned brother, (Mr. Hamilton,) might give it, was clearly that ſpecies of treaſon, of compaſſing and imagining the death of the king.

He then proceeded to ſum up the evidence in ſupport of the charge; which he demonſtrated to be clearly and ſubſtantially proved; yet, if the jury were not of his opinion, he ſhould be happy at the acquittal of the priſoner—as the jury were the judges of that, not he; and if that was the caſe, none would more rejoice at ſuch an event than himſelf, though, from the complexion of the evidence, there was little hopes of that being the caſe. His lordſhip then ſtated to the jury the nature of the evidence, beginning with Hardy's correſpondence with Skirving. He then proceeded to ſtate the proceedings of the Britiſh convention till its diſper-

ſion, which was proved by Roſs, Aitchiſon, and others—the proceedings of the London correſponding ſociety at the Globe tavern and Chalk Farm, which was proved by Meſſrs. Taylor and Goſling. He then ſaid, he had proved the acceſſion of Watt to the ſchemes of the friends of the people, by his being a member of both the committees of union and ways and means, and that he was a principal ringleader of theſe committees—that he had propoſed the plan for the taking of the caſtle of Edinburgh, ſecuring the perſons of the judges, lord provoſt, &c.—the taking poſſeſſion of the banks and exciſe-office, and the attacking and diſarming the ſoldiers. That, at an after meeting of the committee, he had read an addreſs to the people, in form of a proclamation: That he had diſpatched Fairly to the weſt country, to ſee how the minds of the people ſtood affected: That he had employed Orrock & Brown to make pikes, which were afterwards found by Mr. Lockhart and Middleton, in Watt's houſe. That the types of a ſeditious hand-bill were likewiſe found in Watt's houſe, which was circulated among the fencibles at Dalkeith—and that, upon the whole, the indictment with reſpect to the priſoner, was clearly proved by the concurring teſtimony of almoſt all the witneſſes adduced for the crown. With regard to the defence ſet up for the priſoner, that he had gone into all thoſe ſchemes merely that he might inform government what was going on among the friends of the people, he ſaid this was highly abſurd and improbable; for, although for ſome conſiderable time he and Mr. Watt had been acquainted, and Mr. Watt had communicated various pieces of information to him, yet, from the end of laſt year, he had joined the friends of the people, and become an active partizan among them, without acquainting him, or any ſervant of the crown, of the alteration of his conduct. This defence, therefore, could avail him nothing, as, before he joined the friends of the people, he had entirely withdrawn himſelf from giving information to the government. He thought, therefore, the jury could do no leſs than find the priſoner guilty.

The right honourable the lord preſident then charged the jury, both with regard to the law and the fact, with the greateſt candour and preciſion.

The jury were then attended by two conſtables, to be encloſed. However, they remained out of court only a few minutes, when they returned.

Clerk of arraigns ſaid—Gentlemen, have you agreed on your verdict?—Foreman. Yes.

Clerk of arraigns. Foreman of this jury, is the priſoner at the bar, Robert Watt, guilty of the crime charged againſt him?—Foreman. He is GUILTY.

The priſoner was immediately taken from the bar, and the court adjourned till to-morrow, (Friday morning,) at eight o'clock.

Counſel for the crown.—The lord advocate, ſolicitor general, Mr. Anſtruther, Mr. Dundas; Mr. Knapp, clerk of arraigns; Mr. Warrender, agent.

Counſel for the priſoner.—Mr. William Erſkine, Mr. Rob. Hamilton; Mr. Ritchie, agent.

A liſt of the jury who tried ROBERT WATT, for high treaſon:—*September* 3, 1794.

David Clark, Briſtow-ſtreet.
William Hunter, grocer, Edinburgh.
James Mitchell, merchant in Leith.
John Scougal, merchant in Leith.
William Sibbald, merchant in Leith.
John Horner, merchant in Edinburgh.
Thomas Hutchinſon, merchant in Edinburgh.
Archibald Campbell, brewer in Edinburgh.
George Kinnier, banker in Edinburgh.
William Fraſer, tin ſmith in Edinburgh.
John Andrews, grocer in Edinburgh.
William Lamb, upholſterer in Edinburgh.

EDINBURGH.

COURT OF OYER AND TERMINER,

SEPTEMBER 5, 1794.

TRIAL

OF

DAVID DOWNIE.

AT eight o'clock in the morning, the following judges were preſent, viz.

The LORD PRESIDENT,	LORD ESKGROVE,
LORD CHIEF BARON,	LORD SWINTON,
BARON NORTON,	LORD DUNSINNAN.

The priſoner being put to the bar, Mr. Knapp clerk of the arraigns, addreſſed him as follows,

"The good men now to paſs between you and the king, and now to be called, you may challenge when they are named, but not after they are ſworn. Mr. Knapp then nominated ſeveral gentlemen, to twenty-ſix of whom the priſoner objected, and they were ſet aſide, and others called. Each juryman, when not objected to by the priſoner, was ſworn in."

Liſt of Mr. Downie's jury.

Robert Young, upholſterer.
William Fraſer, tin ſmith.
William Fettes, merchant.
James Lindſay, wine merchant.
James Hamilton, upholſterer.
Alexander Ponton, ſworn meaſurer.
David Deuchar, ſeal engraver.
Charles Robertſon, painter,
George Roe, candle maker.
John Bonner, painter.
David Milne, merchant.
John Black, merchant.

Mr. Knapp then read to the priſoner a brief ſtatement of his indictment, which was to the ſame effect as thoſe charges againſt Watt.

Mr. Dundas roſe, and opened the pleadings on the part of the proſecution.

" *Gentlemen of the jury,*

" The priſoner is charged with endeavouring to bring about, or aſſembling a convention, ſimilar in its views with the one which ſome time ago met in this city, called the Britiſh convention. He is alſo accuſed of procuring, or cauſing to be made, arms, or offenſive weapons, in order to levy war againſt the king, with a determination to reſiſt his royal authority, and compel him to comply with certain meaſures, to diſmiſs his miniſters, diſſolve the parliament, and put an end to the war. Another charge is, that he endeavoured to ſeduce the ſoldiers from their duty and allegiance; and that ſhortly he has taken ſuch meaſures as make him accuſed of compaſſing and imagining the death of the king.—Theſe particulars will be more fully ſtated by the counſel who is now to addreſs you."

The lord advocate then roſe, and ſaid:

" *Gentlemen of the jury,*

" This is an indictment for high treaſon, and my duty is to ſtate to you the law upon that ſubject, and the general nature and import of the facts which, on the part of the crown and the public, I mean to bring evidence to ſupport. It is your duty gentlemen, to conſider the whole evidence, and from thence form what your judgment ſhall be.

" Gentlemen, it muſt be well known to you, that at the union of the two kingdoms, the ſyſtem of the treaſon law of this country ſuffered an alteration, founded on the beſt grounds of expediency; and ſince that period, the treaſon law of England had been adopted in this country. Had the Scots treaſon law ſtill remained here, thoſe men who are now ſuffering the puniſhment of their crimes in a diſtant country, would have ſuffered a capital puniſhment. To the honour of the treaſon law of England, it has remained ſince Edward III, the ſame down to this day, and has been the foundation of all the trials for treaſon that have taken place ſince; and it has met the applauſe of our moſt celebrated lawyers, and beſt hiſtorians, and the people have lived happy under it:—for, while it guards and protects the life of his majeſty, it is equally careful of the life of the ſubject, being a barrier againſt any over-ſtretched power.

" It includes three diſtinct caſes of treaſon: 1ſt, Compaſſing and imagining the death of the king:—2d, Levying war againſt the king:—3d, Adhering to his enemies.—The firſt, viz. compaſſing and imagining the death of the king, falls to be in this caſe, the moſt material. The ſecond alſo comes under your conſideration; for endeavouring to levy war, even although it is not actually

levied, falls under the firſt head, that of compaſſing and imagining the death of the king. Since the union, we have had two rebellions in this country; but by ſpecial ſtatute, the perſons who were brought to trial for their concern in them, were tried in the ſiſter kingdom. We are the firſt in this kingdom who have had the melancholy duty to perform—that of applying it upon the preſent occaſion.

"Recent occurrences have ſhown us the conſpiracy that has been formed to ſeduce the people from their allegiance, under the ſpecious pretence of reform, but really with the purpoſe of deſtroying the lawful authorities of the country, and the fair fabric of our conſtitution.

"The act of parliament, of which I am now to ſpeak, needs no explanation; yet, for your ſatisfaction, I will ſtate, not in my own words, but in the words of the moſt celebrated Engliſh lawyers, their opinion concerning it. Here his lordſhip went through a great number of law authorities, judge Foſter, Hawkins, and Blackſtone. One of theſe, he remarked, ſaid, with regard to compaſſing the death of the king, "that the will muſt be taken for the deed."—The king is the head of the body politic, and members are connected under him; and his life cannot be taken away but it muſt involve the nation in blood. If conſpirators meet, and conſult to take away the life of the king, every perſon who has a previous knowledge, and attends ſuch conſultation, if he does not give information, falls to be preſented to a jury.—The law does not confine the crime to a direct attack, but to every attempt at compaſſing the death of the king, or ſeizing his perſon; for experience has ſhown, that, between the perſon and the grave of princes, the diſtance is very ſmall. Every attempt even to ſeize his perſon is conſidered compaſſing his death: for, the purpoſe cannot be effected, without manifeſt danger to his perſon.

Gentlemen, you all well know, that about two years ago a number of perſons formed clubs and ſocieties, to obtain as they ſaid, parliamentary reform; but whatever was their pretence, their real ſcheme was to ſubvert the conſtitution, and introduce univerſal ſuffrage and annual parliaments in place of that happy ſyſtem under which we live. They accordingly applied to parliament by petition, but parliament, to its immortal honour, diſcovered what was couched under it, and rejected their application. Being thus diſappointed, ſome of theſe clubs immediately ſet about other means; for, in a letter in 1792, from Hardy to Skirving, he ſays, "Our petition has been rejected, therefore we muſt take ſome more effectual means." We have ſeen a Britiſh convention in this country, aſſuming to itſelf very high powers indeed, and even going the length to ſay they would watch the motions of parliament, in caſe they *dared* to paſs certain acts, and declaring their determination to reſiſt till compelled to deſiſt by ſuperior force; and that

upon the firſt intimation given to introduce a certain act of parliament, then were they to call a convention of emergency, and erect the ſtandard of rebellion againſt the legal conſtituted authorities of this kingdom.

To the honour of the chief magiſtrate of this city, whoſe conduct upon that as upon every other occaſion, has procured him the eſteem of every good citizen, he went and diſperſed this convention. Proſecutions were afterwards brought againſt the ringleaders in theſe tranſactions, and they ſuffered the juſt puniſhment which their crimes merited.—I will prove, ſaid his lordſhip, that the priſoner was a member of this convention.

Mr. Downie.—My lord preſident, I object to the lord advocate ſtating this to the jury; for I was formerly a witneſs in one of theſe trials, and was told by the court, that I never could be charged for my conduct in theſe matters.

The lord preſident ſaid, the lord advocate was not to charge him with any crime committed previous to that trial, but only what was done ſince.

The lord advocate proceeded. " I muſt ſhow his connection with that convention to prove his views the ſame in the one which was propoſed to be held. His lordſhip next proceeded to ſhow that he was a member of the different committees of union and ways and means of acting as treaſurer, and collecting and paying money to promote the grand cauſe, as it was termed. That theſe committees had correſponded with a ſociety in London, who voted the moſt calumnious reſolutions againſt the judges of this country.

" His lordſhip then ſtated his intention to prove the priſoner guilty of endeavouring to ſeduce the military from their duty and allegiance by the diſtribution of a hand-bill among the fencibles at Dalkeith, entitled, " an addreſs to the fencibles." That he was acceſſary to the plan read by Watt for taking the caſtle, ſeizing the judges, magiſtrates, &c. and to the embaſſy which was ſent to the weſt country, for ſounding the diſpoſitions of the people: that in his capacity of treaſurer to the committee of ways and means, he paid the ſmiths who were employed by Watt to make the pikes: that he acceded to the plan of having collectors appointed, who were to collect the ſentiments of the people, and recieve money from them, and likewiſe to act as commander when they were armed.

" His lordſhip with great abillity expatiated on each of theſe charges, and concluded with obſerving, that if he could prove them to the ſatisfaction of the jury, they doubtleſs would conſider the charge of high treaſon as fully proved. The principle, however, his lordſhip obſerved, the jury ſhould ever keep in their eye——— the impartial diſtribution of juſtice."

EVIDENCE FOR THE CROWN.

Mr. Scott, procurator fiſcal, identified papers.

Mr. Cullen, for the priſoner, ſtated, that he would object to any

evidence to be produced againſt the priſoner prior to the time he was examined in a late caſe, concerning the members of the convention; for then the court informed him, that he never could be called in queſtion for his connection in that affair.

Mr. Anſtruther ſaid, he did not mean to adduce evidence againſt the priſoner for procuring a convention that had met, but, for endeavouring to procure one to meet at a future period; and the counſel for the priſoner will find that concerning the evidence they object to, no ſuch count is in the indictment.

Mr. Taylor, London, ſtated, that a number of committees were formed in London, and a large meeting held at the Globe tavern, where they came to ſundry reſolutions: as alſo at Chalk Farm in April. The London ſociety intended to meet at Shore-ſtreet, but were prevented by the magiſtrates.

Croſs-examined.—Q. How do you amuſe yourſelf?—Anſ. Various ways.

Q. Do you attend any ſocieties for your amuſement?—A. I did.

Q. Was you ever employed to give information?—A. No.

Q. Did you take notes?—A. Yes.

Q. Have you them?—A. Yes.

Counſel. Produce them, and read part.

(The witneſs did ſo.)

Counſel. In what you have now read, it begins, John Martin, by the appellation of "citizen Martin, Roſe," &c. Now how came you to particulariſe this denomination, when all the members were ſpoke to by a ſimilar one.—A. It was a ſingular ſtyle.

Q. Did you take theſe notes for any other purpoſe than your own information?

A. For no other purpoſe.

Q. Did you ever ſhow them to any other perſon?

A. Never till I was carried before the privy council.

Mr. Lauzane, king's meſſenger, identified ſome papers he found in Hardy's houſe, when he took him into cuſtody.

Alexander Aitchiſon, late goldſmith, pointed out ſeveral parts of the minutes of convention, which he wrote as aſſiſtant ſecretary.

Q. Was D. Downie a member of the convention?

Pannel's counſel. I again object to ſuch queſtion. If the counſel for the crown wiſh to prove that he followed meaſures ſimilar to thoſe of the Britiſh convention, they may prove the meaſures of that ſociety to have been as bad as imagination can conceive, but they muſt not attempt to prove that he was a member, or at all concerned with it.

Counſel for the crown. I moſt certainly intended to prove that he had ſimilar views; and in order to ſhow that he knew the intentions of the Britiſh convention, it is the beſt mode to ſhow that he was a member of it.

The court put the queſtion thus, without ſaying whether David

Downie was a member of the convention, ſay whether he knows that David Downie had acceſs to know their views?

A. He had.

The witneſs identified a paper which he had written in the committee of union.

George Roſs ſaid, a committee of union met in his houſe in March laſt, and other times. Downie, Watt, Bonthorn, and Stoke, belonged to it. There was alſo another committee of a greater number. He recieved from Stoke a printed letter, and underſtood ſimilar letters were to be ſent to the country. He ſent ſome, &c. to Paiſly, Strathaven, Perth—on theſe he wrote, "ſhow this to your friends, and ſend an anſwer to George Roſs, Liberty-court, Edinburgh.

William M'Cubbin, writer, was elected a member of the committee of union, in conſequence of an acquaintance of his who was a member, being bound over to keep the peace for being in the play-houſe riots. Downie was a member. The purpoſe of the committee, was to co-operate in calling a convention ſimilar to the Britiſh convention. There was a committee of collectors to collect money to pay delegates, and relieve thoſe who were ſuffering for political opinions; likewiſe for collecting the ſenſe of the people. The witneſs was a collector; Mr. Downie was treaſurer to the whole; Fairly was a collector, and was appointed convener, and to act always as ſuch. The witneſs was a member of the convention when the lord provoſt diſperſed it, and he ſtated the particulars of what happened at that time. The committee of union was to have met the night Downie and Watt were apprehended, but on that account did not.

Priſoner. Was it not propoſed to eſtabliſh a library of books?

Anſ. Thinks he heard it mentioned in ſome ſocieties, but not poſitive.

William Binning ſaid, he was a member of Water of Leith ſociety. They met three weeks after the diſperſing of the Britiſh convention. They ſent three delegates to the committee of union, viz. Orrock, Farquharſon, and M'Ewan. It was for the purpoſe of reform. There was a collector to take the ſenſe of the people, and money to ſupport Mr. Skirving. This ſociety gave their money to M'Ewan to pay to the delegates, or Mrs. Skirving. Mr. Downie was treaſurer to the collectors.

Arthur M'Ewan, was a member of the Water of Leith ſociety, which continued to meet after the diſperſion of the convention. Was a member of the committee of Union, which met in Roſs's. There was a ſub-committee choſen from it, conſiſting of ſeven perſons. Downie was one of them. It was afterwards called the committee of ways and means. They were to pay ſome debt the convention owed Skirving, and ſupport his widow. Heard Watt one night read a paper, propoſing to ſeize the lord chief juſtice

clerk, &c. [Here the witneſs gave the ſame account of this paper as he did in the trial of Robert Watt.] He once ſaw Downie in Roſs's houſe with Fairly, Watt, &c. Fairly had come from the weſt country. Saw Fairly lay down 15s. on the table, which he ſaid he had left, and Downie deſired him to take it up again Fairly ſaid Paiſly was in a ſtate of great readineſs; this he thought was for carrying forward Watt's plan. Watt ſaid he had 4000 arms to ſend to Perth. Downie called on the witneſs at his own houſe the day Watt was apprehended, and aſked, if he, the witneſs, had been before the ſheriff, and what queſtions had been put to him. He then ſaid, that if he was called upon, he would ſay he did not know me, and if I was called upon, he told me to ſay I did not know him. Heard William Brown once ſay he was employed by Watt, and paid by Downie. Heard Downie ſay a very ſpirited letter had been received from Perth.

Queſt. Did the priſoner, when you was going home with him, the night Watt had read his plan in the committee, ſay he diſapproved of it.

Anſ. Don't recollect.

William Bonthorn, teacher, was a member of a ſociety at Broughton, which ſent him as a delegate to the committee of union, and has ſeen Downie there. Another committee was choſen from the committee of union, called the ſub-committee, viz. Aitchiſon, Burke, Stoke, M'Ewan, Watt, Downie, and himſelf, ſometimes called the committe of ways and means. Saw in the committee a paper called regulations. Two-pence were collected from each member to defray expence. Downie acted as treaſurer. Collectors were appointed to collect money to ſend a delegate to England, to attend a convention to be formed there. He left this committee, becauſe he ſaw matters coming to a very great length, and alſo for another reaſon relating to the peace of his own family. He thought they were going great lengths, from hearing a paper read by Watt, when Downie was preſent; to which paper M'Ewan objected, as did, the witneſs, by ſaying, "no, no; by no means." [Here he gave the ſame account of the paper as in Watt's trial.] The committee met in Watt's houſe to anſwer T. Hardy's letter, which Mr. Stoke was to carry with him. After this night the witneſs determined to advertiſe his withdrawing from the committee. This he did not advertiſe. He ſhortly after wrote a letter to Mr. Watt, to deſire Downie to advance Fairly a few ſhillings, as he was going to the country, as he underſtood, upon the committee buſineſs. He took a copy of a paper which he ſaw in the committee of union, and read it in the Broughton ſociety. The collectors were appointed to numbers, not to diſtricts. Saw a paper about fencibles in the committee. He conſidered the paper read by Watt as a ſort of frenzy. Mr. Stoke and Mr. Watt wrote any papers the

committee had to write. Mr. Downie received all the money, and paid it out.

Mr. Gardner, jeweller, being ſhewn two letters, ſaid, one of them was like Mr. Downie's writing, and the poſtſcript of the other.

Mr. Mathie, jeweller, being ſhewn two letters, thought one Mr. Downie's writing, the other not.

Mr. Hunter, clerk in the bank of Scotland. Shewn a bill of 15l. dated April 7, "Pay to Walter Miller, Perth." Indorſed, "Pay to David Downie," and "received payment, David Downie," which he identified.

A letter was now read, ſigned "David Downie," acknowledging the receipt of this, and giving an account of the riots in the play-houſe.

Mr. William Lockhart gave the ſame account of ſearching Watt's houſe, and finding pikes, which he gave in Mr. Watt's trial.

William Middleton ſtated, that he was preſent when the pikes were found in Watt's houſe, and alſo got ſome in Orrock's houſe at the Dean.

Margaret White, ſervant to Mr. Downie, ſaid, ſhe had ſeen a pike in Mr. Downie's dining-room. His ſon came out of the next room where his bed-room was, and took it away. Soon after, Mrs. Downie aſked Mr. Downie what his ſon had done with the *dividing knife!* This was one morning about ſix o'clock, before Whitſunday; and when ſhe ſaw it, ſhe thought ſhe never ſaw ſuch a dividing knife before.

Robert Corrock, ſmith, ſaid he knew of a committee of union, and was a member of it, and Mr. Downie was one. At one meeting of the ſociety, they read a newſpaper, and there was ſomething in it about an invaſion. Watt ſaid there were arms come down to the Goldſmiths-hall people, and ſomebody ſaid we had better apply for them there. Some other perſon ſaid we could not get them. Watt anſwered there was no law could hinder us. I ſaid I would make one for myſelf. Sometime after, Watt called at my ſhop, and aſked if I had made the weapon. I ſaid I had not, but told him what like it was. It did not pleaſe him, and he marked on the table the form of one he wanted. I made it and carried it to Roſs's houſe; Watt, Downie, and ſome others, were preſent—One ſaid it was too ſhort in the *curve*, and then made the ſhape of one longer; on which Watt and Downie deſired me *to keep that in my eye.* Watt and Downie ordered me to make a few dozens of the ſame kind.

William Brown ſaid he made 15 pikes by Watt's order, to whom he delivered them, and he gave a line to Downie, who paid him 22s. 6d. for the 15 pikes—the one kind was 1s. 3d. each, the other kind 5s. each. The line to Downie ſaid, "pay to Mr. Brown 22s. 6d. and I will count with you after."

William Watſon, Dalkeith, gave the ſame account of receiving 20 copies of an addreſs to the fencibles as he did on the trial of Watt, and added, that he gave one to Elliot and one to Johnſton. Some perſons ſaid they would be hurtful, and then he deſtroyed them.

William Johnſton, Dalkeith, ſaid he got a paper from Watſon. which he gave to Sandilands when ſome ſoldiers were there.

James Sandilands, Dalkeith, got a bill from Johnſton, and gave it to ſerjeant Hardy.

Serjeant Hardy ſaid, he received a paper from Sandilands, and deſired him to read it. The regiment was then going to England.

Corporal O'Conolly ſaid, when in Dalkeith, a perſon came to him, and ſaid, you are all ſold to go abroad—you had better not go. Here is a paper will ſhew you. The witneſs would not take it, but ſaw on it the word *Dundee*.

Archibald M'Feadzan, ſoldier, ſaid, he got a paper in Dalkeith from a man. He heard it read—it was ſigned *Dundee*, and ſaid, if we went to England we were all ſold to go abroad—if we ſtaid at home we would get thouſands to help us.

John Geddes, ſaid he ſaw a man giving away papers in Dalkeith to the ſoldiers. He read it—it ſaid, " Stay at home! O, dear brothers, ſtay at home!

John Fairly, wright.—Q. Do you know George Roſs?—Anſ. Yes—He lives in the Cowgate; and there is an entry to his houſe from the South bridge.

Q. Do you know of any committee—or, was you not a member of ſome ſociety?

A. A committee ſometimes met at Roſs's, where I have been; I was a member of the Britiſh convention and Broughton ſociety, who appointed ſome members to meet with other ſocieties, and choſe me collector.

Q. Did you do any buſineſs for that committee?

A. I was twice or thrice with them; ſome of the collectors wanted me to get them ſome ſubſcription papers, which I did, and went again another night, telling them I had got them.

Q. Did they employ you in any other buſineſs?

A. I once had occaſion to go the weſt country to ſee my ſiſter; who reſides at Airth, and Bonthorn gave me a letter to Watt, Watt gave me another letter to Downie, and told me I would find a parcel at Campbell's containing ſome papers, &c. with directions how to act. On carrying Watt's letter to Downie, I got 30s. from him. On calling at Campbell's I got the parcel, which contained inſtructions, my commiſſion, which was marked with ſeals, ſome circular letters, &c. with orders to correſpond with Downie, and to tell the different ſocieties to do ſo likewiſe.

Q. Was there no plan in the parcel among the other papers, &c.

A. I believe there was.

Q. What was the purport of that plan, or what do you call it; was it a little plan, a great plan, or a grand plan?

A. It was the plan that Watt mentioned.

Q. Had you no converſation with the committee about that plan?

A. No, I had none either with Downie or Stoke; but Watt converſed with them about it.

Q. On whom did you call at Stirling?

A. I called on Dr. Forreſt, with whom I ſaw a Mr. Thompſon.

Q. Why did you call on him? Was you acquainted with him before?

A. No, I was not; but had heard in Edinburgh that he was a friend to freedom.

Q. What was the ſubject of your converſation with him?

A. I told him the news in Edinburgh, and he told me the news in Stirling.

Q. Did you not ſhow him your papers, and tell him ſomething about making pikes at Edinburgh?

A. Yes, I did in the preſence of Mr. Thompſon, and others that were there, and drew a pike on the table; ſaying, Watt told me they were for ſelf-defence.

Q. What ſaid they was the news at Stirling?

A. They told me their ſocieties were not numerous—were willing to aſſiſt us about Edinburgh with money, but could not in any thing elſe.

Q. What did you underſtand from theſe words, *nothing elſe?*

A. I only underſtood from theſe words that the ſocieties were not numerous.

Q. Did they ſeem happy when you told them of making pikes at Edinburgh?

A. They ſeemed neither happy nor ſorry at it.

Q. Where went you from Stirling, and whom did you call on next?

A. I went to St. Ninan's and called on a Mr. M'Croſs, a relief miniſter, and a Mr. Brown, a writer.

Q. Where next?

A. To Kilſyth, and called on Mr. Anderſon, a miniſter, and a Mr. Yule.

Q. You was at Glaſgow; whom did you call on there?

A. I called on a Mr. Sinclair there; he was not in when I called firſt.

Q. Where went you on miſſing Sinclair?

A. I went to the reading room.

Q. What ſort of a place is this reading-room?

A. A houſe where pamphlets and newſpapers are read.

Q. Did you know any of the perſons you ſaw in the reading-room?

A. I did not.

Q. You was at other places before Glaſgow?

A. I went to Kirkintilloch and Campſie, and ſhewed my inſtructions to the friends in all the places I viſited.

Q. Where went you on leaving Glaſgow?

A. To Paiſly, and called on Mr. Haſtie there; after which I came home to Edinburgh.

Q. Where went you firſt on your arrival in Edinburgh?

A. I went to my father's, then to the committe at Roſs's.

Q. Who found you there, and what converſation paſſed?

A. I found Watt, Downie, and M'Ewan there and told them that the friends were in general hearty.

Q. Did you return your inſtructions and commiſſion to the committee?

A. They were to be returned to the clerk of the committe, but I returned them to Watt. I do not know whether the committee knew what they contained.

Here Mr. John Clerk, one of the counſel for the pannel, ſtood up, and begged the jury to attend to what the witneſs had ſaid, viz. that he had returned his inſtructions and commiſſion to Watt, and was uncertain whether the committee knew what directions they contained.

Q. Did you pay your own expences on the road?

A. No; I got 30s. from Downie; ſpent 15s. and on returning the other 15s. they gave it me back.

Q. When you went to Airth to ſee your ſiſter, did you uſually take a round-about jaunt?—A. No, I did not.

Q. Why did you not carry pikes to the collectors when Watt deſired you?

A. I did not like to do that; I was afraid of being blamed for diſtributing them.

Q. What paſſed between you and the committee on your return?

A. I gave Watt a liſt of perſons, and their places of reſidence, that might be in future correſponded with.

Q. Did you not inform the committee of what you had done in your journey;

A. No, I was uncertain whether they knew any thing of my inſtructions—as I got them through Watt, I returned them again to him

When the evidence was cloſed,

Mr. Cullen then roſe to charge the jury on the part of the priſoner, which he did in an ingenious and argumentative ſpeech, which laſted upwards of three hours. He began with laying down the law of the caſe, in which he differed very much from the counſel on the other ſide. He read ſeveral quotations, from which he drew this general inference, that although the indictment charged the priſoner with compaſſing and imagining the death of the king, no ſuch crime had been committed—for the higheſt part of the crime

charged, even allowing it to be true, was no more than a ſort of *Conſtructive Treaſon*, which the law was very cautious in meddling with. He then proceeded to comment upon the evidence, the firſt part of which, he ſaid, proved nothing of the charge of treaſon; it only went to this, that the priſoner, along with a number of other perſons, ſome in a high and ſome in a low ſituation of life, had been active and zealous to procure a reform in the repreſentation of this country—If the priſoner carried his notions in this buſineſs only ſo far as ſome other members of the Britiſh convention had done, he ought to have been tried for ſedition, which very probably might have been found a good charge againſt him; but there was no reaſon to preſume, from all this, that his being concerned in the cauſe of reform, implicated him in the charge of high treaſon, which, he was ſure, a candid view of the evidence would not make out.

Mr. Cullen next mentioned, that part of the evidence which regarded the taking of the caſtle of Edinburgh; maſſacreing the ſoldiers; ſeizing the judges, &c. which, ſaid he, was one of the wildeſt frenzies that ever entered into the head of man. This was not the plan of the priſoner, but of Watt; he alone was the former and promoter of that diabolical buſineſs: but, he remarked, it is here attempted to be proved, that the priſoner and Watt were equally guilty in this matter—this was by no means the caſe; for, though the priſoner was a member of the Britiſh convention, and afterwards of the committees of union and ways and means, yet the intention of theſe committees was not to promote the treaſonable plans and projects of Mr. Watt, but only to collect money for the purpoſe of carrying their plan of reform into effect, and for ſuccouring ſome of their ſuffering friends. It had been attempted to be proved, that the priſoner had both employed and paid for making pikes; but the employment was not ſo completely proved as the law directs, and as to the money paid to William Brown, it was entirely on Watt's account. With regard to the evidence of Fairly, to whom likewiſe the priſoner paid money; he certainly did ſo, on account of the committee of ways and means; not to promote the plans of Watt, but merely to ſee how the friends of the people in the country ſtood affected with regard to purſuing the plan of reform: if he went farther, it was in conſequence of a private underſtanding between him and Watt, which the priſoner knew nothing of. The reſt of the evidence, Mr. Cullen argued in a ſtrain of very ingenious reaſoning, amounted to nothing that could, in the moſt diſtant manner, affect the priſoner, and, on theſe grounds, he hoped, that the jury would be of opinion with him, that the charge had not been ſufficiently proved, and would, therefore, acquit the priſoner.

Mr. Cullen pleaded the cauſe of his unfortunate client with a zeal and ability that did him great honour.

Mr. Auſtruther, on the part of the crown, replied. He ſaid, he was exceedingly ſorry to ſay, that from his opinion of the evidence produced, the charge was completely proved againſt the priſoner. He then took a pretty extenſive view of the law of treaſon, in which he differed very much from Mr. Cullen: he ſaid, it was by no means the caſe of *conſtructive treaſon*, but a deliberate plan to overturn the government and conſtitution of this country, and therefore came fairly under that part of the ſtatute of Edward III. of compaſſing and imagining the death of the king. He next proceeded to the evidence which had been produced, beginning at the firſt motion of a deſign to call a ſecond convention, which deſign, he ſaid was clearly and diſtinctly proved. The next part of the evidence was the priſoner's conduct as a member of the committees of union and ways and means, whoſe views Mr. Cullen ſaid were ſolely to promote the cauſe of reform; but he differed very much from him with regard to this. Mr. Anſtruther ſaid; for taking the correſpondence of Hardy and Skirving; the proceedings of the Britiſh convention; the meetings held at the Globe tavern, and Chalk Farm, upon the principles held out by themſelves, and upon whoſe reſolutions thoſe committees acted, what was their language? Was it to petition the king, or petition parliament?—No! it was, as all their proceedings bear, to do ſomething ſtronger than to petition—It was to effect their purpoſe by *force*, which they ſaid petitioning had not been able to do. There could be no doubt this was treaſonable, and the evidence fully juſtified him in ſaying, the priſoner had acceded to every particular. He next adverted to the plan of taking the caſtle of Edinburgh, &c. which plan no doubt was Watt's—but the priſoner did not diſſent from that plan, as M'Ewan and Bonthorn had done, nor abſent himſelf from the meetings of the committees; but, on the contrary, he, along with Watt employed Orrock to make the pikes—paid money to Brown for making them—to Fairly to enable him to go to the weſt country upon their buſineſs. In ſhort, the priſoner completely acceded to every part of Watt's plan; and beſides all this, the evidence fully proved, that a pike was found in the priſoner's houſe, and that he was concerned in circulating the ſeditious hand-bill, tending to debauch the minds of the fencibles of this country; a copy of which hand-bill was clearly traced to the priſoner. Mr. Anſtruther now took notice of the great pains that had been taken by ſome evil-minded people to ſeduce the lower ranks in this country from their duty and allegiance; and reſpecting this he gave an elegant quotation from the Roman hiſtorian Livy, the purport of which was, that when the lower orders of the people roſe againſt the conſtituent authority of a country, the conſequence was, that nothing but anarchy and confuſion enſued, and that country was completely wretched. He concluded with ſaying, that no doubt remained in his mind, that the charge was completely proved; if, however. the ju-

ry thought otherwiſe, he would be happy at the acquittal of the priſoner.

Mr. Anſtruther ſpoke an hour and fifty minutes, in a cool, deliberate, and elegant manner, and was liſtened to with the greateſt attention by all preſent in court.

The lord preſident then proceeded to charge the jury. He began with ſaying, that at a future period it would no doubt ſurpriſe poſterity to hear, that in this enlightened age, crimes ſuch as that charged on the priſoner, could be committed. This country was not now, what it had been ſome hundred years ago, when civil liberty was ill underſtood, when agriculture and commerce were not attended to, and when the nobles and heads of clans uſurped a deſpotic power over their vaſſals and dependants. Then, nothing was heard but family broils, and endleſs quarrels for power and plunder.—Happily, things were now changed for the better—the power of the nobles was reſtricted, commerce, agriculture, and arts flouriſhed, and the people, from idleneſs and poverty, were rich and induſtrious. Was it not aſtoniſhing then, ſaid his lordſhip, that at a period, when the country was ſo proſperous, diſcontents ſhould ariſe from cauſes, of which our forefathers had never thought, or heard; doctrines ſhould be broached, which, if acted upon, would completely ſubvert all order in ſociety, and plunge this country into all the miſery and wretchedneſs, which ſo unhappily prevailed in a neighbouring nation.

To illuſtrate this, his lordſhip read an extract from a ſpeech delivered in the Iriſh parliament, and a quotation from an eminent author, who tells the following ſtory:—"Suppoſe," ſays the author, "a ſhip went to ſea completely manned; the crew acting upon theſe new principles ſay,—Why is this man captain? Why is this man at the helm? Are we not his equals, and are not our abilities equally good with the perſon at the helm?—From words they proceed to actions, and deprive the officers of their command; they then elect others to ſucceed them, from among themſelves, throw off all reſtraint, get drunk, and, in conſequence of this, the veſſel drives among rocks, is loſt, and every perſon on board periſhes." Such, ſaid his lordſhip, muſt be the caſe, if ignorant men, who will not obey the wholeſome reſtraints of law, were to aſſume to themſelves the legiſlative and excecutive power of a country.

His lordſhip next proceeded to give a clear and diſtinct view of the laws of treaſon, in particular, that ſtatute upon which the indictment was laid. He ſaid, that it was a happy thing for this country, that at the union, the treaſon laws of both countries were made one, as it prevented all uncertainty about them; the treaſon laws being as well underſtood, as any part of the criminal juriſprudence of this kingdom.

His lordſhip then commented upon the different parts of the evidence, pointing out with great preciſion and candour, what was

for, and what was againſt the priſoner, leaving the whole with the jury. If they found there was not proof ſufficient to convict the priſoner, or, if there was even a doubt in their minds of his guilt, they ought to acquit him, as mercy ſhould always lean to the ſide of the priſoner; but, if on the contrary, they were ſatisfied of his guilt, then they were to bring in their verdict accordingly.

His lordſhip ſpoke above an hour, in his uſual able and candid manner.

The jury were then attended by two conſtables, to be encloſed. They remained out of court about forty minutes, when they returned.

Clerk of arraigns ſaid, gentlemen, have you agreed on your verdict?—Foreman. Yes.

Clerk of arraigns. Foreman of this jury, is the priſoner at the bar, David Downie, guilty of the crime charged againſt him?

Foreman. He is GUILTY.

Counſel for the crown—The lord advocate, ſolicitor general, Mr. Anſtruther, Mr. Dundas: Mr. Knapp, clerk of arraigns: Mr. Warrender, agent.

Counſel for the priſoner—Mr. Robert Cullen, Mr. John Clerk, Mr. A. Fletcher: Mr. John Dillon, agent.

Edinburgh, September 6.

This day, at three o'clock, Robert Watt and David Downie being brought to the bar, the lord preſident, after a ſolemn addreſs to the priſoners, paſſed the following awful ſentence on them:

Robert Watt and David Downie, you have been found guilty of high treaſon by your peers: the ſentence of the court is therefore, That you be taken to the place from whence you came, from thence you ſhall be drawn on a ſledge to the place of execution, on Wedneſday, the 15th of October, there to hang by your necks until you are both dead, your *bowels to be taken out and caſt in your face, and each of your bodies to be cut in four quarters, to be at the diſpoſal of his majeſty;* and the Lord have mercy on your ſouls!

They received the dreadful ſentence with much firmneſs and compoſure, and were immediately conducted to the caſtle.

THE END.